

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARC BONNANT,

Plaintiff,

-against-

Case No.

09-cv-3007 (RJS)

MERRILL, LYNCH, PIERCE, FENNER & SMITH,
INC. and MERRILL LYNCH CAPITAL SERVICES,
INC.,

Defendants.

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NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the Memorandum of Law, Declaration of David J. Hoffman, and all other proceedings had herein, Plaintiff Marc Bonnant will move this Court before the Hon. Richard J. Sullivan, United States Courthouse, 500 Pearl St., New York, New York 10007 on a date to be determined by the Court for an Order:

1. Vacating this Court's judgment of May 18, 2010;
2. Or in the alternative modifying the May 18, 2010 judgment, including : (1) removing any reference to any misrepresentation made by Mr. Bonnant, (2) relieving Mr. Bonnant from the obligation to arbitrate with Merrill Lynch Capital Services, Inc., or (3) granting Mr. Bonnant discovery on the issues presented on this motion; or
3. Such other an further relief as the Court deems just and proper.

PLEASE TAKE NOTICE that opposition papers must be served on the undersigned by December 17, 2010.

Dated: New York, New York
November 23, 2010

/s/David J. Hoffman
David J. Hoffman
Attorney at Law
One Whitehall Street
Suite 1825
New York, New York 10004

ATTORNEY FOR MARC
BONNANT